

REMARKS

Applicant respectfully requests reconsideration of the application in view of the arguments presented below.

Summary of Office Action

Claims 1-35 are pending.

Claim 32 was provisionally rejected for double patenting under 35 U.S.C. § 101 over claim 6 of co-pending application 10/666,544 of George ("George II").

Claim 22 was provisionally rejected for non-statutory double patenting over claim 10 of George II.

Claims 22-25, 1-21, and 26-31 were provisionally rejected for non-statutory double patenting over claims 10-13, 1-5, and 14-29 of George II.

Response to 35 U.S.C. § 101 rejections

Claim 32 was provisionally rejected for statutory double patenting over claim 6 of George II. In particular, the Examiner stated:

Clearly, claim 6 of the co-pending application S/N: 10/666,544 is identical to claim 32 of the instant application S/N: 10/664,596.

(06/16/2006 Office Action, p. 3)(**emphasis** provided by Examiner)

Applicant respectfully traverses the Examiner's characterization of claim 32 of the present application. In particular, claim 6 of the co-pending application includes the following language:

6. An apparatus for generating a subscriber line ringing signal, comprising:
 - a power supply providing a time-varying supply level $W(t) = |f(t) - C| + C + D$, wherein D is a power supply offset, *wherein $C \neq 0$* ;
 - a linefeed driver; and
 - a signal processor, wherein when $W(t) \leq K$ the signal processor controls the linefeed driver to toggle between 1) coupling $W(t)$ to a tip

line while coupling a ring line to an alternate supply, $V_{ALT}(t)$, and 2) coupling $W(t)$ to the ring line while coupling the tip line to $V_{ALT}(t)$, wherein K is a pre-determined switching threshold.

(Original claim 6 of George II) (*emphasis added*)

Applicant respectfully submits that the express limitation “*wherein C≠0*” is not found in claim 32 of the present application, thus claim 32 of the present application and claim 6 of the cited application are not identical. Given that claims 6 and 32 are not identical, applicant respectfully submits that the provisional statutory double-patenting rejection is not applicable.

Applicant respectfully submits that the statutory double-patenting rejection has been overcome.

Response to Provisional Non-Statutory Obviousness-Type Double Patenting Rejection

Claim 22 of the present application was provisionally rejected on the basis of claim 10 of George II. The Examiner stated the following as the basis for the rejection:

Clearly, claim 22 of the instant application S/N: 10/664,596 is a broad version of Claim 10 of the co-pending application S/N: 10/666,544, because the claim 10 of the copending application encompasses all the limitations of claim 22 of Instant application.

(06/16/2006 Office Action, p. 4)

Applicant traverses the Examiner’s characterization of the claims of both the present application and George II. If the respective claims contain *mutually exclusive language*, then neither claim can be a “broad version” of the other claim.

Claim 22 of the present application and claim 10 of the co-pending application include the language:

22. A method of generating a differential ringing signal between a tip and a ring line of a subscriber line, comprising:

- a) providing a time-varying supply level, $W(t)$, having a plurality of critical points along a folding line, *wherein the critical points are substantially equidistant*;
- b) coupling $W(t)$ to the tip line while coupling an alternate source to the ring line in response to a first critical point; and
- c) coupling $W(t)$ to the ring line while coupling the alternate source to the tip line in response to a second critical point.

(Claim 22)(*emphasis added*)

10. A method of generating a differential ringing signal with a DC component between a tip and a ring line of a subscriber line, comprising:

- a) providing a time-varying supply level, $W(t)$, having a plurality of critical points along a folding line, *wherein the critical points are substantially not equidistant*;
- b) coupling $W(t)$ to the tip line while coupling an alternate source to the ring line in response to a first critical point; and
- c) coupling $W(t)$ to the ring line while coupling the alternate source to the tip line in response to a second critical point.

(Original claim 10 of George II)(*emphasis added*)

Given that claim 22 requires the critical points to be *substantially equidistant* and claim 10 of the co-pending George II application requires the critical points to be *substantially not equidistant*, applicant submits that these claims are in fact mutually exclusive.

Applicant thus submits that claim 22 is clearly distinguishable from claim 10 of the co-pending application and thus the non-statutory double-patenting rejection is not applicable.

Claims 22-25, 1-21, and 26-31 were also provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 10-13, 1-5, and 14-29 of the co-pending George II application.

Arguments with respect to claim 22 have been presented above. Applicant maintains that claim 22 is mutually exclusive with respect to claim 10 of the co-pending application and thus the claims cannot be obvious with respect to each other.

Given that the remaining provisional rejections are the only rejections in the present application and that the application to be disclaimed against has not been allowed, applicant respectfully requests the Examiner to withdraw the remaining provisional rejections in the present application and permit the present application to proceed to allowance. If no terminal disclaimer has been filed in either case and the Examiner believes a terminal disclaimer is still necessary, applicant can file a terminal disclaimer in 10/666,544 (i.e., George II) for accommodation assuming of course that the present case has at least been allowed.

Conclusion

In view of the amendments and arguments presented above, applicant respectfully submits the applicable rejections and objections have been overcome. Accordingly, claims 1-35 should be found to be in condition for allowance.

If there are any issues that can be resolved by telephone conference, the Examiner is respectfully requested to contact the undersigned at (512) 858-9910.

Respectfully submitted,

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